

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

DONALD TARNAWA

§
§
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§
§

NO. 4:03CR144

COUNSEL'S MOTION TO WITHDRAW

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS:

NOW COMES, WAYNE R. DICKEY, Assistant Federal Defender, Eastern District of Texas, who is attorney of record for DONALD TARNAWA, , and respectfully requests that he be allowed to withdraw from that representation, and would show as follows, to-wit:

I.

The undersigned counsel was appointed by this Court to represent DONALD TARNAWA for the purpose of reviewing the file and filing a motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) if such motion was warranted.

Counsel has reviewed the record provided to him in connection with the Defendant's case, including the PSR, Judgment, Plea Agreement, as well as other documents obtained during the investigation of the case. Based on counsel's review of the case, there are no non-frivolous motions or arguments that can be made supporting a sentence reduction. As counsel believes a motion for reduction of sentence is not meritorious, and therefore will not file such motion, there is no need for counsel's continued representation.

CERTIFICATE OF CONFERENCE

Defendant's counsel has spoken with the United States Attorney's Office regarding this motion, and they are not opposed to the granting of this motion.

Respectfully Submitted,

/s/ Wayne R. Dickey

WAYNE R. DICKEY

Assistant Federal Defender

Eastern District of Texas

110 N. College Ste. 1122

Tyler, Texas 75702

(903) 531-9233

FAX: (903) 531-9625

Texas Bar Number: 05832020

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Cler of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. US Attorney for the Eastern District of Texas

And, I hereby certify that a true and correct copy of the foregoing Counsel's Motion to Withdraw was mailed to:

Donald Tarnawa

USM# 32152-013

FCI Hazelton

P.O. BOX 5000

BRUCETON MILLS, WV 26525

by depositing same, enclosed in post paid, properly addressed wrapper, in a Post Office or official depository, under the care and custody of the United States Postal Service, or by other recognized means pursuant to the Federal Rules of Appellate Procedure.

/S/ Wayne R. Dickey

WAYNE R. DICKEY